

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DTF
CLM

PACIFIC FRUIT INC.,

05-CV-04941 (FB)(MDG)

Plaintiff,

CONSENT JUDGMENT

-against-

CENTER ISLAND BANANA CO., INC.,

Defendant.

WHEREAS, Plaintiff, Pacific Fruit Inc. ("Pacific Fruit"), having commenced this civil action by filing its Complaint herein, and Defendant, Center Island Banana Co., Inc. ("Center Island"), having agreed to the entry of this Consent Judgment without the trial or adjudication of any issue of fact or of law herein;

NOW, THEREFORE, upon the joint motion and consent of the parties hereto, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

I.

The Court has jurisdiction over the subject matter and the parties. Venue is proper in this District pursuant to 28 U.S.C. §1391. The Complaint states a claim upon which relief may be granted against Center Island.

II.

Judgment is hereby entered in the amount of \$1,374,078.85 in favor of the Plaintiff, Pacific Fruit Inc., and against the Defendant, Center Island Banana Co., Inc., on Counts 2-4 as alleged in the Complaint in this action.

III.

Nothing in this Consent Judgment shall be construed to waive, limit, or affect any right, claim, or remedy Pacific Fruit may have against any person other than Center Island.

IV.

Each party to this Consent Judgment hereby agrees to bear its own costs and attorneys fees incurred in connection with this action.

V.

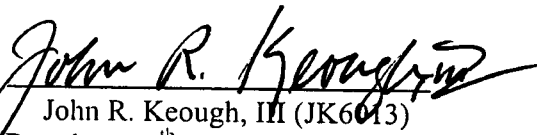
This Consent Judgment shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications, oral or written, or prior drafts, shall be relevant or admissible for the purposes of determining the meaning of any provision herein in any litigation or any other proceeding.

VI.

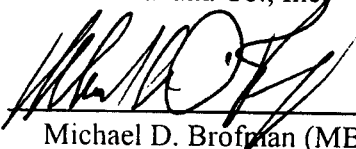
Pacific Fruit and Center Island waive their respective rights to notice and appeal of this Consent Judgment and consent to its immediate entry in accordance with its terms.

We consent and seek entry of this judgment:


WAESCHE, SHEINBAUM & O'REGAN, P.C.
Attorneys for the Plaintiff, Pacific Fruit Inc.

By: 
John R. Keough, III (JK6013)
111 Broadway, 4th Floor
New York, NY 10006
(212) 227-3550

WEISS & ZARETT, P.C.
Attorneys for the Defendant,
Center Island Banana Co., Inc.

By: 
Michael D. Broffman (MB3951)
3333 New Hyde Park Road, Suite 211
New Hyde Park, NY 11042
(516) 627-7000

SO ORDERED:

Brooklyn, New York
March 9, 2006



United States District Judge